

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

COMMONWEALTH SCIENTIFIC AND  
INDUSTRIAL RESEARCH  
ORGANISATION,

Plaintiff,

V.

BUFFALO TECHNOLOGY (USA), INC., a Delaware corporation, and BUFFALO, INC., a Japanese corporation,

Defendants.



6:06-CV-00324 LED

## Oral Argument Requested

## PERMANENT INJUNCTION

Commonwealth Scientific and Industrial Research Organisation ("CSIRO") filed this action against Buffalo Technology (USA), Inc. and Buffalo, Inc. ("Buffalo") alleging infringement of United States Patent No. 5,487,069 ("the '069 Patent").

The Court held a *Markman* hearing on February 22, 2006 and issued an opinion construing the claims of the '069 Patent on May 8, 2006. The Court heard oral argument on the parties' cross motions for summary judgment on August 15, 2006. The Court granted CSIRO's motions for summary judgment of validity and infringement and denied Buffalo's cross motions on November 13, 2006.

CSIRO moved for a Permanent Injunction against further acts of infringement by Buffalo. The Court heard testimony and oral argument on February 7, 2007. As set forth in the Order dated June 15, 2007, the Court finds that an injunction should issue as: (1) CSIRO has suffered irreparable injury; (2) monetary damages are inadequate to compensate for that injury; (3) considering the balancing of hardships, an equitable remedy is warranted; and (4) the public interest would not be disserved by a Permanent Injunction.

Accordingly, IT IS HEREBY ORDERED:

Buffalo Technology (USA), Inc. and Buffalo, Inc. and their officers, agents, servants, employees and attorneys and those persons in active concert or participation with them who receive actual notice of this order are hereby enjoined from infringing United States Patent No. 5,487,069 ("the '069 patent") by making, using, offering to sell, or selling within the United States or importing into the United States, any of the Buffalo products compliant with the IEEE 802.11a or 802.11g standards and which were accused of infringement in this action or any products which are no more than colorably different from those accused products.

Buffalo Technology (USA), Inc. and Buffalo, Inc. shall forthwith provide written notice of this Injunction to all persons involved in the importation, offering for sale or sale of the accused products.

This Order shall take effect forty-five (45) days after entry.

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**So ORDERED and SIGNED this 26th day of June, 2007.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**